

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 25, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens

Commissioners Absent: Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 18, 2005.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated October 18, 2005. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 25, 2005.**

MOTION: Schorr moved and Stevens seconded approval of all claims processed through October, 2005. Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **NEW BUSINESS:**

- A. A resolution in the matter of County Special Permit No. 05038, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to construct dwellings within 1,320 feet of a public lake, on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska. (R-05-0135)**

- B. A resolution in the matter of County Special Permit No. 05039, Wagon Train Estates Community Unit Plan, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, consisting of six residential acreage lots, on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska. (R-05-0136)**

- C. A resolution in the matter of County Preliminary Plat No. 05013, Wagon Train Estates, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, for six residential acreage lots on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska. (R-05-0137)**

Board consensus was to read New Business Items 3A, 3B and 3C together.

Schorr indicated she would abstain from voting because her husband is a law partner of the attorneys representing the applicant.

MOTION: Stevens moved and Heier seconded to defer New Business Items 3A, 3B and 3C for one week.

Hudkins indicated he visited with Commissioner Workman regarding a request for deferral. Hudkins stated he believed Commissioner Workman's request was to see if there was further discussion with the applicants regarding reconfiguration of the lots. He asked if the applicants wish to move forward with six lots.

Charles Humble, attorney representing applicants, indicated they wish to proceed with six lots.

3) **NEW BUSINESS CONTINUED:**

In response to a question asked by Hudkins, Stevens stated there are several things he would like to see relating to the proposal which would make him more inclined to support it. One consideration would be to review concerns regarding water. A second consideration would be the alternative of less than six residential lots.

Joe Herrod, 5601 Deerhaven Drive, Lincoln, Nebraska stated he was appearing on behalf of the Nebraska Council of Sportsmen's Clubs. He stated the organization has been on record for many years as being opposed to the fact that a person cannot hunt within 200 yards of an occupied dwelling or livestock, even if the person owns the ground. Herrod suggested two solutions:

- 1) Removal of the 200 yard buffer. Herrod stated the 200 yard buffer is no protection against a big game rifle and is over protection against a shotgun, however, if a person is a responsible hunter it makes no difference.
- 2) Organizations such as Rocky Mountain Elk Foundation, Mule Deer Foundation, Ducks Unlimited pay the landowner an easement to make up for his loss for allowing the ground to stay producing ducks, pheasants, etcetera.

Herrod also suggested visiting with Nebraska Game and Parks Commission for alternatives.

Humble stated the reason for the development is to allow Darcie Kvasnicka and Connie Roush, who are sisters, to live by one another and make some money for financing the construction of their homes. Humble also referred to the three resolutions (Resolution Nos. 05-0135 through 05-0137) indicating that a portion of Section 1.2, under Site Specific, should read as follows: "Note that the provisions of the special permit for dwellings within 1,320 feet of a state lake apply and list the key provisions, including: all chimneys shall have spark arresters, no occupied buildings or livestock feed shall be within 150 feet of the park boundary, a 150 feet vegetative buffer to the Park shall be shown and maintained, all exterior lighting shall meet standards for glare control and maximum structure height shall not exceed 35 feet."

3) **NEW BUSINESS CONTINUED:**

Heidi Hornung-Scherr, 10000 Wagon Train Road, Hickman, Nebraska, appeared and stated she feels the one week delay is reasonable. She also addressed concerns regarding water/sewage run-off, slope and water quality and quantity.

ROLL CALL: Heier, Stevens and Hudkins voted aye. Schorr abstained from voting. Motion carried.

D. A grant contract with Cedars Youth Services for Project SEEK (Services to Enable and Empower Kids), in the amount of \$19,490. Cedars will contribute \$14,735 in matching funds. Term of the grant contract is July 1, 2005 to June 30, 2006. (C-05-0526)

MOTION: Stevens moved and Heier seconded approval of a grant contract with Cedars Youth Services for Project SEEK (Services to Enable and Empower Kids), in the amount of \$19,490. Cedars will contribute \$14,735 in matching funds. Heier, Schorr, Stevens and Hudkins voted aye. Motion carried.

E. A grant contract with Y.W.C.A. of Lincoln to provide funding for the Try Another Way program to two groups of young juvenile offenders, in the amount of \$8,460. Term of the grant contract is July 1, 2005 through June 30, 2006. (C-05-0527)

MOTION: Schorr moved and Stevens seconded approval of a grant contract with Y.W.C.A. of Lincoln to provide funding for the Try Another Way program to two groups of young juvenile offenders, in the amount of \$8,460. Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

F. A contract with Mobile Dental Services to provide dental and related services for Lancaster Manor residents. Pricing for services and supply/medication items will be in compliance with the Nebraska Department of Health and Human Services published fee schedule. All prescription and non-prescription items will be billed direct to the residents' insurance company. No additional fees will be paid by the Manor. Term of the contract is November 1, 2005 through October 31, 2008 with an option to renew for one additional three year period by mutual consent of both parties. (C-05-0528)

3) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of a contract with Mobile Dental Services to provide dental and related services for Lancaster Manor residents. Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

G. A rental agreement with Pitney Bowes for a digital mailing system and related software to be utilized by the Community Mental Health Center. The agreement is for a period of 54 months and the County will pay \$91 per month. (C-05-0530)

MOTION: Stevens moved and Schorr seconded approval of a rental agreement with Pitney Bowes for a digital mailing system and related software to be utilized by the Community Mental Health Center. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

H. A contract with PharMerica to provide pharmacy and related services for Lancaster Manor. Pricing for prescription and non-prescription items will be in compliance with the Nebraska Department of Public Welfare published fee schedule. The County will pay \$3 per occupied bed for pharmacy consulting, training, required reports and monthly drug destruction. Term of the contract is November 1, 2005 through October 31, 2008 with an option to renew for one additional three year period by mutual consent of both parties. (C-05-0532)

MOTION: Heier moved and Schorr seconded approval of a contract with PharMerica to provide pharmacy and related services for Lancaster Manor. Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

I. An amendment to the administrative services agreement between Lancaster County and United Healthcare Insurance Company for run-out claims processing between January 1, 2006 and January 1, 2007, following the termination of the administrative services agreement on January 1, 2006. The County will pay \$176,936 for the services. (C-05-0529)

Bill Kostner, Risk Manager with the Personnel Department, gave a brief overview of the amendment.

3) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of an amendment to the administrative services agreement between Lancaster County and United Healthcare Insurance Company for run-out claims processing between January 1, 2006 and January 1, 2007, following the termination of the administrative services agreement on January 1, 2006. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

J. Recommendation from the Purchasing Agent and the Lancaster County Sheriff to award an order for five, Eyewitness Industrial Grade In-Car Video Systems from a State of Nebraska contract (#10986 OC) to Kustom Signals, Inc., in the total amount of \$17,795. (B-05-0037)

MOTION: Stevens moved and Heier seconded approval to award an order for five, Eyewitness Industrial Grade In-Car Video Systems from a State of Nebraska contract (#10986 OC) to Kustom Signals, Inc., in the total amount of \$17,795 as recommended by the Purchasing Agent and the Sheriff. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

K. Recommendation from the Purchasing Agent, the Emergency Management Director and Lincoln Fire and Rescue to award a bid to Fire Guard, Inc. for MSA Firehawk 4500 Air Masks and Ultra Elite Facemasks to meet the needs of the Lincoln Fire and Rescue Department. This will be a total award of \$439,030.80 using Emergency Management grant funds to equip Lincoln Fire and Rescue for local and regional emergencies. (B-05-0038)

MOTION: Heier moved and Stevens seconded approval to award a bid to Fire Guard, Inc. for MSA Firehawk 4500 Air Masks and Ultra Elite Facemasks to meet the needs of the Lincoln Fire and Rescue Department. This will be a total award of \$439,030.80 using Emergency Management grant funds. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

L. State of Nebraska Surplus Lines Tax Consent Forms for Policy Numbers G1-A3-EX0000027-01 and E1-A3-0000022-00 for commercial and excess liability coverage through Arthur J. Gallagher Company, acknowledging coverage with a non-admitted carrier in the State of Nebraska.

3) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of State of Nebraska Surplus Lines Tax Consent Forms for Policy Numbers G1-A3-EX0000027-01 and E1-A3-0000022-00 for commercial and excess liability coverage through Arthur J. Gallagher Company, acknowledging coverage with a non-admitted carrier in the State of Nebraska. Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

4) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

- 1. Weed Control Authority's Monthly Report for September, 2005.**
- 2. Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for September, 2005.**

B. Setting of public hearings for Tuesday, November 8, 2005 at 1:30 p.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building for the following:

- 1. County Miscellaneous No. 05024, requested by the Director of Planning, to amend the Lancaster County Land Subdivision Resolution to allow the Director of Planning to approve County final plats and to allow County community unit plans to be submitted without a preliminary plat.**
- 2. County Special Permit No. 05047, requested by Brian D. Carstens and Associates on behalf of David and Lynette Samani, to allow a private recreation cabin under the provisions of Article 13.001(10) of the Lancaster County Zoning Resolution, on property generally located at the northwest corner of Southwest 84th Street and Kolbrook Road in Lancaster County, Nebraska.**

4) **CONSENT ITEMS CONTINUED:**

C. Requests from the following individuals to voluntarily participate in the County's retirement plan having met the requirements:

- ▶ **Jody S. Goff, an employee with the County Treasurer's Office**
- ▶ **Kathleen F. Byorth, an employee with the Community Mental Health Center**

D. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Gerald D. Kubik, in the amount of \$18,871, near the South 68th Street Viaduct; Project C55-S-401(6). (C-05-0531)

MOTION: Stevens moved and Heier seconded approval of the Consent Items. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:10 p.m.. Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 25, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens

Commissioners Absent: Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:10 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 18, 2005.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated October 18, 2005. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 98 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Schorr moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**CrossBridge Christian Church
Good News Broadcasting Association, Inc.
Lincoln Lutheran Middle School/High School
Lincoln Medical Education Partnership
Northern Lighthouse**

Our Lady of Guadalupe Seminary, a division of the Priestly Fraternity of St. Peter

MOTION: Stevens moved and Heier seconded approval of the motor vehicle tax exemptions. Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk